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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,748	09/29/2000	Christopher Richard Uhlik	015685.P069	2834

7590

10/07/2003

Gordon R. Lindeen III
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
7th Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER

TRAN, THIEN D

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 10/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,748

Applicant(s)

UHLIK ET AL.

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-68 are rejected under 35 U.S.C. 102(e) as being participated by Chuah et al (U.S Patent No. 6,400,695 B1)

Regarding claims 1, 16, 25, 33, Chuah discloses a method comprising:

transmitting a broadcast burst in a broadcast channel from a base station of a radio communications system, col.4 lines 45-60.;

receiving a request burst from a user terminal;

transmitting a message burst from the base station to the user terminal from which the request burst was received, the message burst including a description of the channels available on the radio communications system for receiving messages from user terminals. See col.3 lines 55-65.

Regarding claims 2, 3, 17, 18, 26, 27, 34, 35, 42, 43, 58, 59, 65, 66, Chuah discloses that description of the available channels includes an identification of traffic channels of the radio communications system. See col.3 lines 55-60.

Regarding claims 4, 5 19, 20, 28, 36, 44, 46, 47, 60, 61, 67, Chuah discloses that request burst further includes an indication of the power used by the user terminal to transmit the request burst and wherein the indication of the transmit power to be used by the user terminal is based upon the indication in the request. See col.15 lines 60-65.

Regarding claims 6, 23, 53, 56, Chuah discloses that request includes an identification of the user terminal. See col.4 lines 35-45.

Regarding claims 7, 8, 9, 21, 22, 29, 30, 37, 38, 39, 45, 49, 62, 68, Chuah discloses that broadcast burst has a specific transmission time and the request burst is received with a specific timing relationship to the broadcast message, the method further comprising using the timing relationship to determine a base station to which the request burst is directed. See col.3 lines 55-65.

Regarding claims 10, 11, 50, 51, 54, 55, 63, Chuah discloses that broadcast burst further includes a code to identify the transmitting base station and wherein receiving a request burst comprises demultiplexing the request burst from the base station identifying code. See col.4 lines 20-60.

Regarding claims 12, 31, Chuah discloses that broadcast burst includes a power. See col.15 lines 55-65.

Regarding claims 13, 40, 48, Chuah discloses that broadcast burst includes a load sequence that is related to the current traffic load at the base station. See col.16 lines 25-45.

Regarding claims 14, 15, 24, 32, Chuah discloses analyzing the spatial direction from which the request burst is received and wherein transmitting the message burst

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comprises transmitting the message burst spatially directed toward the user terminal based on the spatial direction analysis. See col.13 lines 30-55.

Regarding claims 41, 52, 57, 64, Chuah discloses a method for requesting access on a wireless network comprising:

receiving a plurality of timing sequences on a broadcast channel from at least one base station, col.4 lines 45-60 and col.7 lines 35-55.;

determining network timing using the received timing sequences;

using the network timing to determine a network access request transmission time;

transmitting a network access request at the determined time; and

receiving a message burst from a base station, the message burst including a description of the channels available on the wireless network. See col.3 lines 55-65.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Sayers et al (US Patent No. 6,539,237) method and apparatus for integrated wireless communications in private and public network environments.

-Jolma et al (US Patent No. 5,806,003 B1) method for adjusting transmission power in cellular radio system and subscriber equipment.


-Raitola et al (US Patent No. 6,366,602,115 B1) method of generating a carrier wave of common channels and a radio system

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5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



**ALPUS H. HSU
PRIMARY EXAMINER**